

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL PAUL WILLIAMS,

Plaintiff,

-against-

CORTLAND COUNTY; KRISTEN MONROE,
COMMISSIONER, CORTLAND COUNTY
DEPARTMENT OF SOCIAL SERVICES;
ALLISON VENTIMILLA, DEPUTY
COMMISSIONER, CORTLAND COUNTY
DEPARTMENT OF SOCIAL SERVICES;
KELLEY THOMSEN, SUPERVISOR AND
CASEWORKER, CORTLAND COUNTY
CHILD PROTECTIVE SERVICES; DANIELLE
KWAK, SUPERVISOR AND CASEWORKER,
CORTLAND COUNTY CHILD PROTECTIVE
SERVICES; ANTHONY CHRISTIE, FORMER
DIRECTOR OF CHILD WELFARE,
WESTCHESTER COUNTY DEPARTMENT
OF SOCIAL SERVICES,

Defendants.

USDC SDNY
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DOC #:
DATE FILED: 10/10/2023

23-CV-3414 (NSR)

ORDER OF SERVICE

NELSON S. ROMÁN, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under 42 U.S.C. § 1983, alleging that Defendants violated his rights. By order dated June 14, 2013, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that summonses be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the amended complaint until the Court reviewed the amended complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

(2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants: (1) Cortland County; (2) Kristen Monroe, Commissioner, Cortland County Department Of Social Services; (3) Allison Ventimilla, Deputy Commissioner, Cortland County Department Of Social Services; (4) Kelley Thomsen, Supervisor and Caseworker, Cortland County Child Protective Services; (5) Danielle Kwak, Supervisor and Caseworker, Cortland County Child Protective Services; and (6) Anthony Christie, former Director of Child Welfare, Westchester County Department of Social Services through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for these Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the amended complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is instructed to issue summonses for Defendants Cortland County, Kristen Monroe, Allison Ventimilla, Kelley Thomsen, Danielle Kwak, and Anthony Christie, complete the USM-285 forms with the addresses for these defendants, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further directed to mail a copy of this Order and an information package to pro se Plaintiff at the address listed on ECF and to show service on the docket.

SO ORDERED.

Dated: October 10, 2023
White Plains, New York

A handwritten signature in blue ink, appearing to read "Nelson S. Román", is written over a light blue horizontal line.

NELSON S. ROMÁN
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Cortland County
60 Central Ave
Cortland, N.Y., 13045
2. Kristen Monroe, Commissioner
Cortland County Department Of Social Services
60 Central Ave
Cortland, N.Y., 13045
3. Allison Ventimilla, Deputy Commissioner
Cortland County Department Of Social Services
60 Central Ave
Cortland, N.Y., 13045
4. Kelley Thomsen, Supervisor and Caseworker
Cortland County Child Protective Services
44 Evergreen Street
Cortland, N.Y., 13045
5. Danielle Kwak, Supervisor and Caseworker
Cortland County Child Protective Services
60 Central Ave
Cortland, N.Y., 13045
6. Anthony Christie, former Director of Child Welfare
Westchester County Department of Social Services
100 East First Street
Mount Vernon, N.Y., 10550-3442